



Memphis City Council Summary Sheet

Resolution appropriating Construction Funds for PW01204 ARRA Repaving Group 2.

- This project provides for street repaving under the American Recovery and Reinvestment Act (ARRA) also known as the Stimulus Bill.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- This project involves a new construction contract.
- This resolution transfers a portion of the funds identified in the FY 2010 CIP Budget as PW01198 ARRA Repaving to PW01204 ARRA Repaving Group 2 in order to execute the construction contract.
- The project funds originate from the American Recovery and Reinvestment Act. As these are 100% grant funds, there is no impact to the City's G. O. Bond position.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include ARRA Repaving, project number PW01198 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on April 16, 2010 with the lowest complying bid of three being \$1,895,077.03 submitted by Lehman Roberts; and

WHEREAS, it is necessary to transfer an allocation of \$1,895,078.00 funded by Federal Grants from the American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group – 2, project number PW01204; and

WHEREAS, it is necessary to appropriate \$1,895,078.00 funded by Federal Grants in ARRA Repaving Group – 2, project number PW01204 as follows:

Contract Amount	\$1,895,078.00
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NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the fiscal year 2010 Capital Improvement Budget be amended by transferring an allocation of \$1,895,078.00 funded by Federal Grants from the American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group – 2 project number PW01204.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,895,078.00 funded by Federal Grants in ARRA Repaving Group – 2, project number PW01204 and credited as follows:

Project Title	ARRA Repaving Group – 2
Project Number	PW01204
Amount	\$1,895,078.00



Memphis City Council Summary Sheet

Resolution appropriating Construction Funds for PW01207 ARRA Repaving Group 5.

- This project provides for street repaving under the American Recovery and Reinvestment Act (ARRA) also known as the Stimulus Bill.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- This project involves a new construction contract.
- This resolution transfers a portion of the funds identified in the FY 2010 CIP Budget as PW01198 ARRA Repaving to PW01207 ARRA Repaving Group 5 in order to execute the construction contract.
- The project funds originate from the American Recovery and Reinvestment Act. As these are 100% grant funds, there is no impact to the City's G. O. Bond position.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include ARRA Repaving, project number PW01198 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on April 05, 2010 with the lowest complying bid of three being \$1,998,776.47 submitted by APAC - TENN; and

WHEREAS, it is necessary to transfer an allocation of \$1,998,777.00 funded by Federal Grants from the American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group – 5, project number PW01207; and

WHEREAS, it is necessary to appropriate \$1,998,777.00 funded by Federal Grants in ARRA Repaving Group – 5, project number PW01207 as follows:

Contract Amount	\$1,998,777.00
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NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the fiscal year 2010 Capital Improvement Budget be amended by transferring an allocation of \$1,998,777.00 funded by Federal Grants from the American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group – 5 project number PW01207.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,998,777.00 funded by Federal Grants in ARRA Repaving Group – 5, project number PW01207 and credited as follows:

Project Title	ARRA Repaving Group – 5
Project Number	PW01207
Amount	\$1,998,777.00



Memphis City Council Summary Sheet

Resolution appropriating Construction Funds for ST03120 Lick Creek Jefferson Ave Drainage Improvements

- This project provides drainage improvements in the Lick Creek Basin as an element of the overall drainage basin improvements to help alleviate flooding. Drainage infrastructure will be added to Jefferson Ave. between Rembert St. and Lick Creek.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- This project involves a new construction contract.
- No new ordinance is required.
- The project funds originate from the City of Memphis Stormwater Enterprise funds. This resolution transfers a portion of the funds identified in the FY 2010 CIP Stormwater Budget in order to execute the construction contract.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Major Drainage Rehab/Replace, project number ST03006, as part of the Public Works Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on March 05, 2010 for Lick Creek Jefferson Ave with the lowest complying bid of ten bids being \$362,867.23 submitted by A & H Contractors; and

WHEREAS, it is necessary to transfer an allocation of \$391,898.00 funded by G O Bonds – General (Storm Water) from Major Drainage Rehab/Replace, project number ST03006, to Lick Creek Jefferson Ave, project number ST03120; and

WHEREAS, it is necessary to appropriate \$391,898.00 funded by G O Bonds – General (Storm Water) in Lick Creek Jefferson Ave, project number ST03120 as follows:

Contract Amount	\$362,868.00
Project Contingencies	<u>\$29,030.00</u>
Total Amount	\$391,898.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$391,898.00 funded by G O Bonds – General (Storm Water) from Major Drainage Rehab/Replace, project number ST03006, to Lick Creek Jefferson Ave, project number ST03120.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$391,898.00 funded by G O Bonds – General (Storm Water) chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title	Lick Creek Jefferson Ave
Project Number	ST03120
Total Amount	\$391,898.00



Memphis City Council Summary Sheet

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- Amend the City Council FY 2010 operating budget appropriate \$10,000 to the Division of Information Services to purchase and install cameras to allow live streaming and archiving of Council committee meetings via the Memphis City Council website.
 - The Division of Information Services will reimburse the City Council should the FY 2011 request to fund purchase and installation of cameras in the Council committee room be approved.
 - **Sponsored by Conrad**

CITY COUNCIL RESOLUTION

WHEREAS, recently cameras were installed in the City Council Chambers to stream meetings live on the internet in order to provide the public with better access to local government and the political process; and

WHEREAS, the Memphis City Council wishes to further increase transparency in city government and allow those citizens who cannot be present the opportunity to observe as well as listen to the committee process, which most will agree is where city business truly gets accomplished, issued are discussed in depth and decisions are made that affect the City of Memphis socially and economically; and

WHEREAS, installing cameras and streaming and archiving video of committee meeting live on the internet would aid citizen involvement in local issues and increase access to their elected representatives; and

WHEREAS, the Division of Information Services has included cameras for the Council committee room in their Fiscal Year 2011 operating budget request.

NOW, THEREFORE BE IT RESOLVED, that the City Council FY 2010 operating budget be amended to appropriate \$10,000 to the Division of Information Services for the purpose of purchasing and installing cameras to allow live streaming and archiving of Council committee meetings via the Memphis City Council website.

THEREFORE BE IT FURTHER RESOLVED, that the Division of Information Services will reimburse the City Council should the FY 2011 request to fund purchase and installation of cameras in the Council committee room be approved.

KEMP CONRAD
MEMPHIS CITY COUNCIL



Memphis City Council Summary Sheet

1. Resolution authorizing expansion and reorganization of the Memphis Foreign-Trade Zone No. 77 through submission of an Alternative Site Framework application to the Foreign-Trade Zones Board in Washington, D. C.
2. The Memphis and Shelby County Office of Economic Development (OED) is the initiating party and has responded to numerous requests over the last two years from companies interested in the ability to quickly utilize FTZ benefits. OED staff made two quarterly presentations to City Council concerning these requests and research on the Alternative Site Framework application.
3. This is not a change to an existing resolution or ordinance.
4. This application does not require a contract with the Foreign-Trade Zones Board. If/when the application is approved, OED will develop new Operator Agreements for all foreign-trade zone and subzone operators.
5. The application fee is \$1,600 and the expenditure does not require a budget amendment.

RESOLUTION

WHEREAS, Memphis is the primary hub of the Mid-South Region and center of commerce for an ever-expanding global marketplace; and

WHEREAS, the City of Memphis desires to attract and promote international trade and commerce to benefit the local and regional economy; and

WHEREAS, the Memphis and Shelby County Office of Economic Development (OED), under the Memphis and Shelby County Division of Planning and Development, is the agency responsible for the administration of Foreign-Trade Zone No. 77 (Memphis FTZ No. 77) for the City of Memphis as Foreign-Trade Zone Grantee; and

WHEREAS, OED has determined that there is an increased interest by foreign and domestic companies considering expansion or location in the Memphis, Shelby County and the West Tennessee area for the extensive cost savings associated with foreign-trade zones; and

WHEREAS, configuration of current zone sites of the Memphis FTZ No. 77 under the traditional zone organization structure is inadequate for economic development officials to quickly respond to the immediate needs of companies in a rapidly changing global marketplace. A new structure, the "Alternative Site Framework", authorized by the Foreign-Trade Zones Board in Washington, D. C. can help expedite the approval process of zone location modifications.

WHEREAS, the regional focus of the Alternative Site Framework application can be strengthened with the inclusion of interested West Tennessee counties, including the Megasite in Haywood County. Support from these counties has been determined through help from the West Tennessee Industrial Association; and

WHEREAS, the economic viability of Memphis, Shelby County and West Tennessee would be increased and ensured by the expansion and reorganization of Memphis FTZ No. 77 through the Alternative Site Framework to the Foreign-Trade Zones Board.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Memphis deems it desirable to support the strategic position that Memphis holds in the region and global marketplace and authorizes the application to the Foreign-Trade Zones Board for expansion and reorganization of FTZ No. 77 under the Alternative Site Framework; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Memphis, Tennessee, is hereby authorized on behalf of the Grantee to execute and deliver all instruments and documents necessary for the submission of the ASF expansion and reorganization Application on behalf of the City of Memphis, Tennessee to the Executive Secretary of the Foreign-Trade Zones Board, Department of Commerce, Washington, D.C. and take such further action as deemed appropriate incident to secure the approval by the Foreign-Trade Zones Board with respect to the ASF Application.

Geater, Lisa

From: Fuhrmann, Maria
Sent: Tuesday, May 04, 2010 1:01 PM
To: Boyd, Bill; Brown, Joe; Cain, Pam; Clark, Dynisha; Collins, Harold; Conrad, Kemp; Flinn, Shea; Ford Jr., Edmund; Fuhrmann, Maria; Fullilove, Janis; Garcia, Rebecca; Geater, Lisa; Halbert, Wanda; Hedgepeth, Reid; jstrick212@aol.com; KConrad@commadv.com; Keplinger, Juaness; Lewis, Patricia E.; Lowery, Myron; Milam, Judy; Morrison, Bill; Reid Hedgepeth; Spears, Danielle; Strickland, Jim; Swearengen Ware, Barbara; Turner, Ann; williamcboyd@bellsouth.net; wshalbert@yahoo.com; Wordlaw, Sophia; Young, Cedric
Cc: McElrath, Roland; Stokes, James; Campbell, Richard
Subject: CIP Wrap-Up May 25th

CIP wrap-up will be held during the May 25th CIP committee meeting. The following additions to the CIP were made during budget hearings. Offsetting cuts must be found elsewhere in the CIP budget at wrap-up in order for these additions to be voted on by the full council.

April 28, 2010	\$50,000 added to EMA to repair all 4 non-functioning emergency sirens	Councilman Strickland
April 28, 2010	\$500,000 added to Engineering for Speed Humps	Councilman Conrad
April 29, 2010	\$245,000 added to Parks for Charjean Park	Councilwoman Halbert

HCD's budget was approved except for the Triangle Noir project which was held pending more information. We will discuss the Triangle Noir project in CIP committee on May 11th.

A motion was made during Community Enhancement's presentation to require demolition projects over \$100K to be approved by Council.

Councilman Strickland requests a presentation by MATA for the light rail project during CIP wrap-up / committee meeting on May 25th.

Thanks, and please let me know if have omitted anything.

Maria K. Fuhrmann
 Research Analyst
 Memphis City Council
 125 N. Main Street, Room 514
 Memphis, TN 38103
 (901) 576-6784 direct
 (901) 576-6796 fax



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Memphis City Council Summary Sheet

Resolution to accept and appropriate funds from the State of Tennessee for 2009 Fire In-Service Training.

1. This item is a resolution to accept and appropriate funds from the State of Tennessee for 2009 Fire In-Service Training.
2. Fire Service participates in the In-Service Training program annually.
3. This requires an expenditure of funds in the Misc Grants Fund which is 100% reimbursed by the State of Tennessee Department of Commerce and Insurance.



Memphis City Council

RESOLUTION

WHEREAS, the City of Memphis Division of Fire Services has received funds in the amount of One Million Twenty-One Thousand Eight Hundred Dollars (\$1,021,800.00) from the State of Tennessee; and

WHEREAS, these funds will be used for In-Service Training for 1,703 Fire Service personnel who have met the 40-hour minimum in-service training requirement; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the In-Service Training Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of One Million Twenty-One Thousand Eight Hundred Dollars (\$1,021,800.00) for the In-Service Training Grant

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the In-Service Training Grant funds in the amount of One Million Twenty-One Thousand Eight Hundred Dollars (\$1,021,800.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating budget be and is hereby amended by appropriating the Expenditures and Revenues for the In-Service Training Grant in the amount of One Million Twenty-One Thousand Eight Hundred Dollars (\$1,021,800.00) as follows:

Revenue

In-Service State Grant	\$1,021,800.00
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Expenses

Full Time Salaries	\$1,021,800.00
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Memphis City Council Summary Sheet Instructions

Resolution expressing support of accepting and appropriating grant funds from the U.S. Department of Homeland Security to establish funds for Tennessee Task Force One.

1. This item is a resolution in support of accepting and appropriating grant funds from FEMA for Tennessee Task Force One. This grant is for the development and maintenance of National Urban Search and Rescue Response System resources to be prepared for mission response and to provide qualified personnel in support of Emergency Support Function-9 activities under National Incident Management System and National Response Plan,
2. This is an annual request by Tennessee Task Force One for sustainment of the force.
3. This resolution requires a new contract for the 2010 Department of Homeland Security/FEMA, Urban Search and Rescue Cooperative Agreement.
4. This resolution requires a budget to be established for the grant in the Miscellaneous Grant Fund (0205). Expenses will be reimbursed as spent.

RESOLUTION

WHEREAS, the City of Memphis Division of Fire Services has received grant funds in the amount of One Million Seventy Two Thousand Seven Hundred Dollars (\$1,072,700.00) from the US Department of Homeland Security - FEMA; and

WHEREAS, these funds will be used for annual sustainment of Tennessee Task Force One; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the Urban Search & Rescue grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of One Million Seventy Two Thousand Seven Hundred Dollars (\$1,072,700.00) for the Urban Search & Rescue grant; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Urban Search & Rescue Grant funds in the amount of One Million Seventy Two Thousand Seven Hundred Dollars (\$1,072,700.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Urban Search & Rescue Grant in the amount of One Million Seventy Two Thousand Seven Hundred Dollars (\$1,072,700.00) as follows:

Revenue

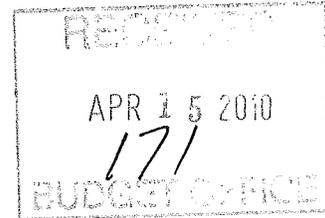
FEMA	\$1,072,700.00
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Expense

Administration	\$355,400.00
Training	\$151,280.00
Equipment	\$366,820.00
Storage	<u>\$199,200.00</u>
TOTAL	\$1,072,700.00



Memphis City Council Summary Sheet



Resolution to appropriate funding for Organized Crime Unit drug funds for Fiscal Year 2011 in the amount of \$4,664,794.00.

- This item is a resolution to appropriate funding for FY2011.
 - The Police Division is requesting funding for FY2011 for drug funds.
 - There is no change to existing ordinance.
 - This is the Budget Resolution for funding for Police drug funds.
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RESOLUTION

WHEREAS, the Memphis Police Division is in acceptance of State and Federal funds as a result of cash seizures, fines and forfeitures from illegal drug actions for combating illegal drug trafficking, and enforcement of Vice laws related to alcohol, and to use for drug education and drug treatment; and

WHEREAS, the State Legislature amended the Tennessee Code Annotated relative to drug fines and forfeitures, requiring that such funds be accounted for in a special revenue fund; and

WHEREAS, the Mayor and Police Director recommend a budget for the fiscal year that is to be approved by the City Council; and

WHEREAS, it is necessary to establish the FY 2011 Operating Budget for the Special Revenue funded by State and Federal Funds; and

WHEREAS, it is necessary to appropriate \$4,664,794.00 for the FY 2011 Operating Budget for the Special Revenue Fund Budget funded by State and Federal Funds as follows:

Revenues:

State Drug Funds	\$3,813,130.00
Federal Drug Funds	\$673,000.00
Vice Funds	\$125,000.00
Dare	\$33,664.00
Chop Shop/ISU	\$20,000.00
Total Special Revenues	\$4,664,794.00

Expenditures:

Personnel	\$1,304,744.00
Material & Supplies	\$2,705,050.00
Capital	\$655,000.00
Total Expenditures	\$4,664,794.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the State and Federal funds in the amount of \$4,664,794.00 be accepted by the City of Memphis Police Division.

BE IT FURTHER RESOLVED that the FY 2011 Operating Budget for the Special Revenue Fund Budget be and is hereby established by the appropriation of \$4,664,794.00 as follows:

Revenues:

State Drug Funds	\$3,813,130.00
Federal Drug Funds	\$673,000.00
Vice Funds	\$125,000.00
Dare	\$33,664.00
Chop Shop/ISU	\$20,000.00
Total Special Revenues	\$4,664,794.00

Expenditures:

Personnel	\$1,304,744.00
Material & Supplies	\$2,705,050.00
Capital	\$655,000.00
Total Expenditures	\$4,664,794.00



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Resolution to accept and appropriate \$4,080.00 in Revenue from the Tennessee Department of Safety for use of Parking Spaces at the Benjamin Hooks Central Library for use by employees of the State of Tennessee Driver's License Renewal Office.

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Services & Neighborhoods

3. State whether this is a change to an existing ordinance or resolution, if applicable.

There is no change to an existing ordinance or resolution

4. State whether this requires a new contract, or amends an existing contract, if applicable.

A new negotiated contract will be put into place with the Tennessee Department of Safety.

5. State whether this requires an expenditure of funds/requires a budget amendment.

An amendment to the Fy2010 Operating Budget is required to accept and appropriate \$2,130.00. \$1,950.00 will be accepted and appropriated in the Fy2011 Operating Budget

RESOLUTION

WHEREAS, the City of Memphis, Division of Public Services and Neighborhoods, Memphis Public Library and Information Center, shall receive Revenue in the amount of Four Thousand Eighty Dollars (\$4,080.00) from the Tennessee Department of Safety for the use of (15) parking spaces at the Benjamin Hooks Library by employees of the State of Tennessee Driver's License Renewal Office; and

WHEREAS, these funds will be used for materials and supplies for the Memphis Public Library and Information System; and

WHEREAS, it is necessary to accept and appropriate funds in the amount of Four Thousand Eighty Dollars.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that Four Thousand Eighty Dollars be accepted by the City of Memphis, \$2,130.00 of which will be received in Fiscal Year 2010 and \$1,950.00 of which will be received in Fiscal Year 2011.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Memphis Public Library and Information Center in the amount of Two Thousand One Hundred Thirty Dollars and that One Thousand Nine Hundred Fifty Dollars in Expenditures and Revenues for the Memphis Public Library and Information Center be appropriated in the Fiscal Year 2011 Operating Budget as follows:

FY 2010

Revenues:

Miscellaneous Income (Tennessee Department of Safety)	<u>\$2,130.00</u>
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Total	\$2,130.00
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Expenditures:

Miscellaneous Materials & Supplies	\$1,950.00
Miscellaneous Professional Services	<u>\$ 180.00</u>

Total	\$2,130.00
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FY 2011

Revenues:

Miscellaneous Income (Tennessee Department of Safety)	<u>\$1,950.00</u>
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Total	\$1,950.00
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Expenditures:

Miscellaneous Materials & Supplies	<u>\$1,950.00</u>
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Total	\$1,950.00
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**AGREEMENT BETWEEN THE CITY OF MEMPHIS AND THE
TENNESSEE DEPARTMENT OF SAFETY FOR USE OF PARKING SPACES AT
BENJAMIN HOOKS CENTRAL LIBRARY**

This Agreement is entered into this _____ day of _____, 2010 by and between the City of Memphis ("City"), a Tennessee municipal corporation, by and through its Division of Public Services, and the Tennessee Department of Safety ("State").

RECITALS

WHEREAS, the State of Tennessee Driver's License Renewal Office located on Walnut Grove Road in Memphis, Tennessee has expressed a desire to use fifteen (15) of the parking spaces located on the Benjamin Hooks Central Library parking lot owned and operated by City; and

WHEREAS, City hereby agrees to permit the State to utilize such parking spaces based upon the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants and premises set forth herein, the sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

I. SCOPE

- 1.01. City agrees to provide fifteen (15) parking spaces located within the secured/card access employee lot at the Benjamin Hooks Central Library for use by employees of the State of Tennessee Driver's License Renewal Office.
- 1.02. Each parking space shall be provided at a rate of \$5.00 per week, per employee. A fee of \$12.00 will be charged for the issuance of an access card to each state employee, including any new state employees authorized to use the parking space. A fee of \$12.00 will also be charged for the replacement of any lost, stolen or misplaced access card. The transfer or assignment of an access card by an employee is expressly prohibited.
- 1.03. City shall invoice State twice yearly for all fees incurred by State within the preceding months. State agrees to pay such fees within thirty (30) days of receipt of such invoice. A late fee of 1.5% may be charged by City for any past due amounts.

II. TERM AND TERMINATION

- 2.01. Subject to approval of the Council, the term of this agreement shall be for a period of one (1) year which shall commence upon the effective date of this Agreement.
- 2.02. This Agreement may be terminated by either party without cause at any time upon thirty (30) days written notice. Said termination shall not be deemed a breach of contract by the terminating party. In the event of termination by State, City shall be fully compensated for use of its parking facilities as of the date of termination.
- 2.03. This Agreement may be terminated immediately by City in the event State fails to compensate City in accordance with the terms set forth herein.

III. GENERAL TERMS AND CONDITIONS

- 3.01. Both parties shall comply with all applicable federal, state and local laws in the performance of its duties and obligations herein.
- 3.02. City shall make and keep as the same accrue, full and complete books, records, and other documents related to this Agreement for a minimum period of three (3) full years after the contract end date or from the date of final payment under this Agreement, whichever is later. The City shall allow the State, during normal business hours and at all reasonable times, to examine, inspect, and audit any and all of the City's books, records, and other documents, which are maintained or kept by the City in its official functions in carrying out the City's duties and responsibilities under this Agreement.
- 3.03. Nothing in this Agreement shall be deemed to represent that either party, or any of its employees or agents, are the agents, representatives, or employees of the other party. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Agreement shall be construed to create a principal/agent relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services.
- 3.04. The parties recognize that the City of Memphis is a governmental entity as defined by Tennessee Code Annotated Section 29-20-101 et. seq. and is responsible for the negligent acts and/or omissions of its agents or employees. The parties agree that neither party shall be responsible for personal injury or property damage or other loss suffered by any person, employee, or entity except that resulting from its own negligence, and nothing in this Agreement shall be construed as creating an obligation to indemnify the other party against that party's own negligence. The foregoing notwithstanding, it is the intent of the parties hereto that neither party, by virtue of entering into this Agreement assume liabilities that are greater than those set forth in the Tennessee Governmental Tort Liability Act, T.C.A. Section 29-20-101, *et seq.*, or as set forth in T.C.A. Section 9-8-307, *et seq.*
- 3.05. Both parties hereby agree, warrant, and assure compliance with the provisions of Title VI and VII of the Civil Rights Act of 1964 and all other federal statutory laws which provide in whole or in part that no person shall be excluded from participation or be denied benefits of or be otherwise subjected to discrimination in the performance of this Agreement on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, state or local law.
- 3.06. This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, whether oral or written. This Agreement may be modified or amended only by written instrument signed by both parties and shall not be assigned without the prior written consent of the City.
- 3.07. If any provision of this Agreement is held to be unlawful, invalid or unenforceable for any reason, such provision shall be fully severable; and this Agreement shall then be construed and enforced as if such unlawful, invalid or unenforceable provision had not been a part hereof. The remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such unlawful, invalid or unenforceable provision or by its severance here from.

3.08. No waiver of any term, condition, default, or breach of this Agreement, or of any document executed pursuant hereto, shall be effective unless in writing and executed by the party making such waiver; and no such waiver shall operate as a waiver of either (a) such term, condition, default, or breach on any other occasion or (b) any other term, condition, default, or breach of this Agreement or of such document. No delay or failure to enforce any provision in this Agreement or in any document executed pursuant hereto shall operate as a waiver of such provision or any other provision herein or in any document related hereto. The enforcement by any party of any right or remedy it may have under this Agreement or applicable law shall not be deemed an election of remedies or otherwise prevent such party from enforcement of one or more other remedies at any time.

3.09. Any notices required or permitted to be given under the provisions of this Agreement shall be effective only if in writing and delivered either in person to the authorized agent or by First Class or U.S. Mail, return receipt requested, to the addresses set forth below, or to such other person or address as either party may designate in writing and deliver as herein provided. Notices shall be deemed received (i) if by hand delivery, on date of delivery with a signed receipt; (ii) if U.S. Mail, on date of receipt appearing on the return receipt card; (iii) if by overnight courier, on date receipt is confirmed by such courier service.

STATE: Tennessee Department of Safety
Commissioner Dave Mitchell
1150 Foster Avenue
Nashville, TN 37243
(615) 251.5166 (phone)
(615) 253.2091 (facsimile)

CITY: City of Memphis
Division of Public Services
Attn: Janet Hooks, Director
125 North Main, Suite 200
Memphis, TN 38103-2079
(901) 636.6846 (phone)
(901) 636.6259 (facsimile)

3.10. The obligations of the parties to this Agreement are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, natural disasters, riots, wars, epidemics, or any other similar cause. In either such event, neither party shall be liable to the other party.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS HEREOF, The parties have executed this Agreement Between the City of Memphis and the Tennessee Department of Safety on the date first written above.

CITY OF MEMPHIS

Approved:

A C Wharton, Jr., Mayor

Herman Morris, Jr., City Attorney

Attest:

Division of Public Services

Deputy Comptroller

Janet Hooks, Director

TENNESSEE DEPARTMENT OF SAFETY

Dave Mitchell, Commissioner

Approved as to form and legality:



TENNESSEE

A C WHARTON, JR.
MAYOR

May 18, 2010

The Honorable Harold Collins
Chairman, Memphis City Council
125 N. Main, Room 514
Memphis, TN 38103

The Honorable Shea Flinn
Chairman, CIP Committee
125 N. Main, Room 514
Memphis, TN 38103

The Honorable Bill Morrison
Chairman, O&M Budget Committee
125 N. Main, Room 514
Memphis, TN 38103

Re: City of Memphis Five-Year Strategic Business Plan

Dear Chairmen Collins, Flinn and Morrison:

The budget for FY2011 is not an alternative to cutting costs. Rather, it allows us to make them in ways that contribute to a fundamental redesign of our broken business model, rather than one-time cuts that may disrupt services to our citizens. The budget I have proposed is based on a primary objective: It gives us the opportunity to reassess all operations, reengineer systems, right-size facilities, and reinvent business functions.

We all share the same goal – to create a high-performing city government so that every dollar in taxes is wisely spent and every thoughtful option is considered to reduce our citizens' tax burden. As I have previously notified you, the vehicle for this change in city government will be a process similar to the Base Realignment and Closure Act (BRAC), a comprehensive, nonpolitical, data-driven analysis of our business model, our structure, and our operations

Debt restructuring is a way to address the immediate financial challenges and give us time to make strategic decisions about reductions, realignments, right-sizing, tax/fee policies, and more. The Net Present Value of this restructuring is \$3.4 million, and it gives the city budget relief of \$41 million in FY2011 and approximately \$30 million in FY2012. In other words, this plan of action today provides for the use of more than \$70 million that has a net present value amounting to a cost of \$3.4 million in the future. This is particularly relevant in light of the current favorable capital market environment that could worsen in light of European financial concerns. Attached is a list of additional recommended budget reductions totaling \$9.4 million to close gap for next year.

In setting the stage for this Base Realignment and Closure (BRAC) process, the budget proposes carefully selected fee increases to make sure that they are covering actual operating costs for sewers and solid waste management. The Memphis sewer fee, among the lowest rates in the U.S., is an enterprise fund established exclusively to cover the actual costs of sewer services. It had two consecutive years of operating deficits totally \$10.3 million, producing the need for an increase of \$9.10 a month. In solid waste management, the proposed monthly increase is \$4.50 to comply with city policy for the special revenue fund to be self-supporting with no general fund subsidy. The budget also includes proposed increases in golf cart rental fees, green fees, and emergency medical services' transportation to hospital.

In truth, the City of Memphis budget is more than an inventory of services and costs, a mere accounting document, or a cataloguing of city departments' revenues and expenditures. Instead, it should represent and reflect our vision for a city led by an efficient, responsive city government. In this way, this budget allows us to move toward the vision of Memphis as a city of choice.

City of Memphis Five-Year Strategic Business Plan

May 18, 2010

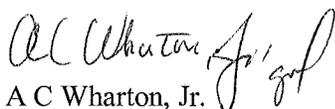
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Again, debt restructuring is not an alternative to greater efficiency. Voting for this budget is not a vote against cuts. It is a vote about how those cuts will be made and how they can be made to have lasting impact on decreased costs for City of Memphis and increased public's confidence in its government.

There is no one in the city that is more averse to increasing debt than I am, and no one has more experience in reducing it. I make this recommendation after careful consideration of the options and the potential for this debt restructuring to drive change and efficiency in city government.

I look forward to discussing this with you, and I appreciate your support for transforming city government.

Sincerely,



A C Wharton, Jr.

Mayor

- c: Memphis City Council Members
George Little, CAO, City of Memphis
Bobby White, Chief of Staff, City of Memphis
Kelly Rayne, Deputy Chief Administrative Officer, City of Memphis
Robert Lipscomb, Director, HCD, City of Memphis
Roland McElrath, Director of Finance, City of Memphis
Division Directors, City of Memphis
Kerry Hayes, Research Analyst, City of Memphis
Tonya Meeks, Communications Specialist, City of Memphis
Allison Fouche, Executive Coordinator, City of Memphis

FY 2011
Contingency Plan to Support MCS Funding

<i>Division</i>	FY 2011 Budget Request Submitted to Council	Contingency Reduction Amount	% of Contingency Reduction Total	% of Total Division Budget Request
City Attorney	\$14,688,188	\$500,000	5.31%	3.40%
City Attorney		\$300,000		
Claims		\$150,000		
Intergovernmental Relations		\$30,000		
Risk Management		\$20,000		
Finance and Administration	\$5,865,448	\$17,000	0.18%	0.29%
Fringe Benefit Reduction		\$17,000		
Fire	\$163,074,108	\$1,200,000	12.75%	0.74%
Overtime		\$1,000,000		
Out of Rank Pay		\$150,000		
Travel		\$50,000		
General Services	\$13,708,099	\$1,000,000	10.63%	7.29%
Grants & Agencies	\$68,950,604	\$310,000	3.29%	0.45%
Pyramid		\$200,000		
RDC		\$110,000		
Human Resources	\$7,898,879	\$300,000	3.19%	3.80%
Special Services		\$10,000		
Employment		\$20,000		
Testing		\$250,000		
Employment		\$20,000		
Information Services	\$21,138,137	\$700,000	7.44%	3.31%
ACS		\$500,000		
Administration - Personnel		\$200,000		
Park Services	\$28,133,341	\$1,008,803	10.72%	3.59%
Golf - Riverside (close)		\$384,339		
Golf - Overton (Close)		\$369,464		
Third Party Management Fees		\$255,000		
Police Services	\$232,891,521	\$2,785,331	29.60%	1.20%
Aviation		\$721,521		
Property & Evidence - Personnel		\$1,009,810		
Precincts - Overtime		\$1,000,000		
Mounted Police (supplies only)		\$54,000		
Public Services	\$23,822,355	\$1,088,161	11.56%	4.57%
Highland Library Closure (M&S Only)		\$86,000		
Cossit Library Closure (M&S Only)		\$104,048		
Library Temporaries (w/o contracts)		\$705,526		
Library Mail Service		\$5,000		
Library Books		\$148,000		
Facilities Repair (older libraries)		\$39,587		
Public Works	\$18,669,444	\$500,000	5.31%	2.68%
Street Lighting		\$500,000		

FY 2011
Contingency Plan to Support MCS Funding

<i>Division</i>	FY 2011 Budget Request Submitted to Council	Contingency Reduction Amount	% of Contingency Reduction Total	% of Total Division Budget Request
<u>City Council</u>	\$1,614,184	\$0	0.00%	0.00%
<u>City Court Clerk</u>	\$5,060,163	\$0	0.00%	0.00%
<u>City Court Judges</u>	\$617,200	\$0	0.00%	0.00%
<u>Community Enhancement</u>	\$8,996,819	\$0	0.00%	0.00%
<u>Engineering</u>	\$8,983,362	\$0	0.00%	0.00%
<u>Executive</u>	\$7,559,005	\$0	0.00%	0.00%
<u>HCD</u>	\$4,761,631	\$0	0.00%	0.00%
Totals	\$636,432,488	\$9,409,295	100.00%	

City of Memphis
Budget Year 2011
Revenue Fee Increases

Division	Category/Details	Increase amount	
Fire	Ambulatory Services-increase in transport fees	\$	220,000
Parks	Golf Car Fees	\$	223,400
	Day Camp Fees	\$	110,000
Total General Fund		\$	553,400
Solid Waste Fund	Fee Increase	\$	7,844,770
	Cart Leasing/Pay As You Throw	\$	787,800
Sewer Fund	Sewer Fee Increase	\$	9,799,000

Notes:

City Court Clerk -Accelerated collections of delinquent accounts - \$600,000

Community Enhancements - Increase in State Mowing Contract of \$210,000